

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	Nos. 16-cr-10305-NMG
)	23-cv-12267-NMG
MARTIN GOTTESFELD,)	
Defendant.)	

MOTION FOR LEAVE TO AMEND FURTHER

MARTIN GOTTESFELD, Defendant, *pro se*, moves for leave to file a Second Amended Motion to Vacate or Set Aside Sentence (§ 2255) on or before March 1, 2024. In support of this motion, Defendant avers as follows.

1. Defendant has worked diligently since the original motion and made substantial progress toward its final form. The current version, filed today pursuant to 28 U.S.C. § 2242 and Fed. R. Civ. P. 15(a)(1), adds substantially to Defendant's claims and clearly represents impressive output for an unrepresented litigant.
2. Further amendment is permissible under 28 U.S.C. § 2242 and Fed. R. Civ. P. 15(a)(2).
3. The government sought and received two extensions totaling 102 days in which to file its initial opposition, which is 18 pages.
4. This is Defendant's first request for an extension in this Section-2255 proceeding and he seeks fewer than 30 days.
5. Defendant has only a single opportunity for federal habeas relief.

6. If granted leave to amend, Defendant plans to buttress his ineffective assistance of counsel claim. Defendant avers that he can further substantially improve the claim's written form.
7. Allowing Defendant to amend now may prevent a future motion to amend should the government respond to Defendant's first Amended Motion.
8. The interests of justice, as contemplated by 28 U.S.C. § 2242 and Fed. R. Civ. P. 15(a)(2), would thus be well served by granting Defendant an extension to ensure him a fair opportunity at relief as an unrepresented litigant, prevent unnecessary burden on the parties and provide judicial economy.

If the Court has any questions or concerns, Defendant stands ready to address them.

Respectfully submitted,

by: /s/ Martin Gottesfeld, *pro se*,
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CERTIFICATE OF SERVICE

I, Martin Gottesfeld, certify that on this date I hand delivered a copy of the foregoing filing(s) on compact disc (C.D.) to the United States attorney's office at Moakley U.S. courthouse,

by: /s/ Martin Gottesfeld, *pro se*,

Thursday, February 1, 2024.